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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

4

Application Number

09/864,890

Filing Date

May 23, 2001

First Named Inventor

Terje A. Skotheim et al.

Art Unit

1745

Examiner Name

Monique M. Wills

Attorney Docket Number

057519.00057 (MT0026.3)

ENCLOSURES (Check all that apply)☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐Reply to Missing Parts/
Incomplete Application☐Reply to Missing Parts
under 37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a
Provisional Application☐Power of Attorney, Revocation
Change of Correspondence Address☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐

Landscape Table on CD

☐

After Allowance Communication to TC

☐Appeal Communication to Board
of Appeals and Interferences☐Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☒Other Enclosure(s) (please identify
below):(1) Comments on Examiner's Reasons for
Allowance(2) Notification of Change of Status and
Assertion of Entitlement to Small Entity
Status

Remarks

Submitted herewith are: Comments on Examiner's Reasons for Allowance; and Notification of
Change of Status and Assertion of Entitlement to Small Entity Status.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Squire, Sanders & Demspey L.L.P.

Signature

/Jacqueline M. Nicol/

Printed name

Jacqueline M. Nicol

Date

June 14, 2007

Reg. No.

44,973

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the date shown below:

Signature

/Sharon A. Nance/

Typed or printed name

Sharon A. Nance

Date

June 14, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE**

| | | | |
|---------------|----------------------------|---------------------------|----------------|
| Applicant(s): | Terje A. Skotheim, et al. | Application No.: | 09/864,890 |
| Docket No.: | 57519.00057 (MT00026.3) | Group Art Unit: | 1745 |
| Filing Date: | May 23, 2001 | Notice of Allowance Date: | March 19, 2007 |
| Examiner: | Monique M. Wills | | |

TITLE: LITHIUM ANODES FOR ELECTROCHEMICAL CELLS

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON EXAMINER'S REASONS FOR ALLOWANCE

Commissioner:

The Examiner's statement of allowability provided in the prosecution history of this case is objected to, to the extent that it may give rise to reasoning that is inconsistent with the proper scope of the claims. The statement does not include at least (1) all the differences in the claims not found in the prior art of record, and (2) all the reasons why such differences are considered to define patentability over the prior art.

Claim construction requires each claim to be taken as a whole. Patentability of each claim is imparted by each claim as a whole. No portion of any claim is to be construed as more important for patentability than any other portion.

Applicants assert that each claim is allowable because all statutory requirements have been met, including, *inter alia*, the absence in all art of record of the same inventions as claimed or any disclosure, teaching, or suggestion (explicit or implied) that would make the claimed inventions obvious to a person having ordinary skill in the art.

Respectfully submitted,

Dated: June 14, 2007

By /Jacqueline M. Nicol/
Jacqueline M. Nicol
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**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE**

| | | | |
|------------------|--|-----------------|-------------------------|
| Applicant(s): | Terje A. Skotheim et al. | Docket No.: | 057519.00057 (MT0026.3) |
| Application No.: | 09/864,890 | Filing Date: | May 23, 2001 |
| Assignee: | Sion Power Corporation | Allowance Date: | March 19, 2007 |
| TITLE: | LITHIUM ANODES FOR ELECTROCHEMICAL CELLS | | |

**NOTIFICATION OF CHANGE OF STATUS AND
ASSERTION OF ENTITLEMENT TO SMALL ENTITY STATUS
PURSUANT TO 37 C.F.R. § 1.27(c)**

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

Applicant hereby asserts that it qualifies as a small business concern as defined in 13 C.F.R. §§121.3-18, and reproduced in 37 C.F.R. §1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code and is entitled to Small Entity Status pursuant to 37 C.F.R. § 1.27(c).

Please feel free to contact the undersigned with any questions you may have regarding this matter.

Respectfully submitted,

Date: June 14, 2007

By /Jacqueline M. Nicol/
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